

REMARKS

Rejection of Claims 14-19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over US 2001/0023197 (Shibata) in view of EP 1222971 (Noro), and further in view of JP 03131257 (Yokoyama)

Applicant respectfully submits that the combination of Shibata, Noro, and Yokoyama does not teach or suggest all the claim limitations as set forth in independent claim 14. Specifically, independent claim 14 recites “a first electromechanical ambulation mechanism having a first foot extending through a first opening in the housing for making contact with an external surface on which the handheld audio device is placed” which is not taught or suggested in the combination of Shibata, Noro, and Yokoyama.

The Office Action on page 3 states “[Regarding claim 14] Yokoyama also discloses a first electromechanical ambulation mechanism (fig. 10 or 11, vibrator 3) having a first foot (fig. 11, vibrator case part 15 protruding from the upper surface of the main body 1) extending through a first opening in the housing for making contact with an external surface on which the handheld audio device is placed (the vibrator case part 15 is protruding and therefore is capable of having contact with an external).” This extension of Yokoyama’s massager to a handheld audio device is, however, a gross mischaracterization of Yokoyama.

Yokoyama is directed towards a massager to massage parts of the human body by providing a vibrator case part protruding from the upper surface of the main body of the massager. See Yokoyama Abstract. On the other hand, Shibata and Noro both contemplate mobile phones with standard (internal) vibrators and speakers. Applicant respectfully submits that the Office Action has provided no motivation apparent in the references, or elsewhere in either the field of massagers or the field of mobile phones, to combine Shibata and Noro with Yokoyama. Thus, the Office Action improperly combines the three cited references.

Even if a person combines Yokoyama’s massager with Shibata’s and Noro’s handheld audio devices, there is no reason, teaching, suggestion, or motivation for the person of ordinary skill in the art to turn Yokoyama’s vibrator (used for massaging body parts) into an ambulation system that is driven in response to the audio processed by the audio system of the handheld device as recited in claim 14. Instead, the massager portion of this hypothetical combination

device would massage totally independently of the Shibata and Noro internal vibrators and audio systems.

For the above reasons, independent claim 14 is not obvious in view of the combination of Shibata, Noro, and Yokoyama. Dependent claims 15-19 and 22 depend from, and include all the limitations of, independent claim 14. Therefore, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 14-19, and 22 under 35 USC § 103(a) in view of Shibata, Noro, and Yokoyama.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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